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WASHINGTON, DC 20006-1021

In re Application of
KITAMORI et al.
Application No.: 10/069,183
PCT No.: PCT/JP00/05716
Int. Filing Date: 24 August 2000
Priority Date: 25 August 1999
Attorney Docket No.: 2002_0252A
For: DESKTOP THERMAL LENS MICROSCOPE
APPARATUS

DECISION
ON
DECLARATION

This is a decision on the submission of a declaration filed on 13 February 2003 regarding the correction of the third inventor's name.

On 05 February 2003, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants. On 13 February 2003, applicants submitted a declaration executed by the inventors along with the surcharge for filing the declaration after the thirty month period; however, the third inventor's given name on the declaration was different from what was on the published application. The application file did not contain an International Bureau (IB) communication (IB Form 306) reflecting any change.

On 04 April 2003, a Notification of a Defective Response (Form PCT/DO/EO/916) was mailed to applicants indicating that the declaration submitted with the national stage papers was unacceptable since the third inventor's name on the declaration was different than what appeared on the published international application. That is, the declaration did not identify the inventor named on the publication, Ryo Tsunemi, but identified and bore the signature of a Akira Tsunemi.

On 05 May 2003, applicants filed a Petition under 37 CFR 1.182 in response to the Notification of a Defective Response and a statement of inventor Akira Tsunemi. As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. However, the Office should be notified of the error accompanied by a petition under 37 CFR 1.182 to correct the name of the inventor. In the instant application, applicant has submitted a petition under 37 CFR 1.182 and provided an explanation as to why the first named inventor did not note a correction of his first name in the published international application.

The declaration submitted on 13 February 2003 is acceptable and meets the requirements of 37 CFR 1.497. The application will be forwarded to the US Designated/Elected Office for further processing. The 35 U.S.C. 371 date is 13 February 2003.

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